

# LAC 33:III.5151. Emission Standard for Asbestos

## Recent Changes in Regulations

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# Chapter 51 – Issues

**J.1.c.** For facilities demolished where the RACM is not removed prior to demolition according to Clauses F.3.a.i, ii, iii, and iv of this Section or for facilities demolished according to Subparagraph F.3.i of this Section...

**F.3.i.** For facilities described in Subparagraph F.1.c of this Section, adequately wet the portion of the facility that contains RACM during the wrecking operation.

**F.1.c.** If the facility is being demolished under an order of a state or local government agency, issued because the facility is structurally unsound and in danger of imminent collapse

# Emission Standard for Asbestos

(Demo/Reno) (LAC 33:III.5151) (AQ330S)

- Proposed Rule Change – April 20, 2013 – discussed at last year's workshop
  - Comments received used to develop -
- Prop. Substantive Changes – Oct 20, 2013
  - Comments for minor changes – notice -
- Final – March 20, 2014

# Chapter 51 – Key Changes

- 5151.B. Definitions
- 5151.F. Emission Standards
  - Applicability
  - Notification Requirements
  - Emission Control Procedures
- 5151.J. Standard for Waste Disposal
- 5151.P. Training and Accreditation Requirements

# Chapter 51 – Other Updates

- Updates of OSHA citations and language to be consistent with OSHA requirements:
  - 5151.G. Standard for Spraying
  - 5151.K. Standard for Inactive Waste Disposal Sites
  - 5151.N. Standard for Active Waste Disposal Sites

# 5151.B. Definitions

- *Asbestos-Containing Material (ACM)*—any material or product that contains more than 1 percent *asbestos* as determined by using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, polarized light microscopy.

(clarification)

# 5151.B. Definitions

- *Enclosure*—an airtight, impermeable, barrier placed around ACM during activities that disturb asbestos to prevent the release of asbestos fibers into the ambient air.

(clarification)

# 5151.B. Definitions

- *Asbestos-Contaminated Debris (ACD)*—demolition or renovation debris that contains *regulated asbestos-containing material* as defined in this Subsection.
- *Asbestos-Contaminated Debris Activity (ACDA)*—the handling and/or disposal of *asbestos-contaminated debris* as *RACM*.



# 5151.B. Definitions

- *Facility*—any institutional, commercial, public, industrial, or residential structure,....

Residential buildings that have four or fewer dwelling units are exempt from the provisions of this Subchapter, except those residential structures that are intentionally demolished or renovated as part of a commercial or public project, such as urban renewal or highway right-of-way projects and those that are intentionally burned.

(\*Installation & Institutional structures)

## 5151.B. Definitions

- *Recognized Asbestos Landfill (RAL)*—a waste disposal site recognized by DEQ, Office of Environmental Services after receipt of an asbestos landfill recognition form (AAC-7). An in-state landfill shall comply with Subsection N of this Section and be permitted or authorized to accept *ACWM*. An out-of-state landfill shall be subject to 40 CFR part 61.154 or another state's applicable regulation that EPA has determined to be at least as stringent as §61.154. (Recognized Disposal Site deleted)

# 5151.B. Definitions

- *Regulated Asbestos-Containing Material (RACM)*—
  - a. friable asbestos material;
  - b. *category I and II nonfriable ACM* that has become friable **such as asbestos-cement material that is not removed from a facility prior to demolition;**

(From EPA Applicability Determinations)

# 5151.B. Definitions

- *Regulated Asbestos-Containing Material (RACM)*—

- c. *category I and II nonfriable ACM* that has a high probability of becoming or has become crumbled, pulverized, ground, sanded, cut, abraded, or reduced to powder by the forces that have acted or are expected to act on the material in the course of *demolition* or *renovation* operations; or

- (Previous c and d combined)

# 5151.B. Definitions

- d. *resilient floor covering* or the asbestos-containing mastic used to attach it to the floor surface that is scraped, sanded, abraded, bead blasted, cut, ground, crumbled, pulverized, or reduced to powder by any means, either hand or mechanical equipment. This definition does not include *resilient floor covering* removed by using dry ice, heat, wet methods, and chemicals where the tiles or sheeting are removed intact (minor tears or minor breakage is acceptable where, for all intents and purposes, the flooring is considered whole) or asbestos-containing mastic that has been removed by chemical or other means that results in the asbestos fibers in ACWM being bound within a macro substrate and cannot reasonably become airborne unless further forces are applied.

# 5151.F.1. Applicability

- 1. Applicability. To determine which requirements of Paragraphs F.1, 2 and 3 of this Section apply to the owner or operator of a demolition, or renovation, response action or ACD activity and prior to the commencement of the activity, the owner/operator shall either assume that RACM, as defined in Subsection B of this Section, is present or an accredited inspector shall thoroughly inspect the affected facility or part of the facility where the activity will occur for the presence of asbestos, including category I and category II nonfriable ACM. All homogeneous areas that potentially contain asbestos shall either be assumed to be ACM or samples shall be collected and submitted for analysis. The requirements of Paragraphs F.2 and 3 of this Section apply to each owner or operator of a *demolition, renovation, response action or ACD activity* as defined in Subsection B of this Section, as follows.

# 5151.F.1. Applicability - Demos

- **F.1.a** – In a facility being demolished, all the requirements .....apply if the combined amount of RACM is:
  - i. at least 60 linear feet on pipes;
  - ii. at least 64 square feet on other facility components; or
  - iii. at least 27 cubic feet off facility components where the length or area could not be measured previously.

# 5151.F.1. Applicability

- **F.1.b** – In a facility being demolished, only the notification requirements .....apply if (Cat I / II will not become RACM) and the **combined amount of RACM** (including I/II which may become RACM) is:
  - i. less than 60 linear feet on pipes;
  - ii. less than 64 square feet on other facility components; or
  - iii. less than 27 cubic feet off facility components where the length or area could not be measured previously.



# 5151.F.1. Applicability

- F.1.c. If the facility is being demolished under an order of a state or local government agency, issued because the facility is structurally unsound and in danger of imminent collapse only the requirements of Subparagraphs F.2.a and b, Clause F.2.c.iii, Subparagraph F.2.d (except Clause F.2.d.viii), Subparagraph F.2.f, and Paragraph F.3 (except Subparagraph F.3.a) of this Section apply.

# 5151.F.1. Applicability

- F.1.d. If a facility is demolished or renovated prior to an inspection or notification, then all debris at the site is categorized as *asbestos-contaminated debris (ACD)*, as defined in Subsection B of this Section unless the owner/operator affirmatively demonstrates there is no ACM in the debris.

# 5151.F.1. Applicability

- F.1.d. (Cont.) The owner/operator shall follow the procedures and requirements as provided in Subparagraphs F.2.a, b, d, and f and Clauses F.2.c.i and v of this Section, and shall handle and dispose of the debris in accordance with Paragraph F.3 and Subsection J of this Section.

## 5151.J. Standard for Waste Disposal

- J.1.c. For facilities demolished where the RACM is not removed prior to demolition according to Clauses F.3.a.i, ii, iii, and iv of this Section or for facilities demolished according to Subparagraph F.1.c or d of this Section, avoid crushing the ACM and adequately wet asbestos-containing waste material at all times prior to, during, and after demolition and keep wet during handling, storage, and loading for transport to a disposal site.

## 5151.J. Standard for Waste Disposal

- J.1.c. (Cont.) The ACWM shall be maintained as intact as practicable. The ACWM shall not be needlessly fragmented or crushed. Asbestos-containing waste materials covered by this Subparagraph shall be sealed in leak-tight containers or leak-tight, clear transparent wrapping then transported and disposed of at a solid waste Type I or Type II or hazardous waste landfill authorized to accept RACM.

# Workers lining a trailer to receive RACM





A large pile of material, likely hazardous waste, is completely covered in a thick, crinkled white plastic liner. The liner is draped over the pile, creating deep folds and shadows. The entire assembly is contained within a rectangular area defined by wooden planks, possibly a trench or a large container. In the background, several people wearing safety vests and hard hats are visible, standing near some equipment and a table, suggesting a construction or remediation site. The scene is brightly lit, with strong shadows cast by the plastic and the surrounding structure.

RACM in completed “Burrito Wrap”

# 5151.F Applicability - Renos

- F.1.e – In a facility being renovated, all the requirements .....apply
  - i. if the combined amount of RACM to be stripped, removed, ...or similarly disturbed is:
    - (a). at least 60 linear feet on pipes;
    - (b). at least 64 square feet on other facility components; or
    - (c). at least 27 cubic feet off facility components where the length or area could not be measured previously.



# 5151.F Applicability

- F.1.e –

- ii. To determine whether Subclause F.1.e.i.(a), (b), or (c) of this Section applies to planned renovation operations involving individual nonscheduled operations, predict the combined additive amount of RACM to be removed, stripped dislodged, cut, drilled, or similarly disturbed during a calendar year of January 1 through December 31 based on past operating experience.

# 5151.F.1. Applicability

- F.1.e –

- iii. To determine whether Subclause F.1.e.i.(a), (b), or (c) of this Section applies to emergency renovation operations, including those associated with major fiber release episodes and response actions, estimate the combined amount of RACM to be removed, stripped, dislodged, cut, drilled, or similarly disturbed as a result of the sudden, unexpected event that necessitated the renovation.

# 5151.F.1. Applicability

- F.1.e –

- iv. If Clause F.1.e.i of this Section is not applicable to the renovation activity, it is exempt from any further requirements of this Section (except to conduct the inspection or assume material is RACM pursuant to Paragraph F.1 of this Section).

# 5151.F.2. Notification

- F.2.c. Postmark or deliver the notice as follows:
  - ii. at least five working days before demolition begins, if a facility is being demolished where RACM is below threshold levels as provided in Subparagraph F.1.b of this Section;

# 5151.F.2. Notification

- F.2.c. Postmark or deliver the notice as follows:
  - vi. Notify the DEQ regional office by fax or email three days prior to the start of the removal of resilient floor covering, as defined in Subsection B of this Section, by using dry ice, heat, wet methods, and chemicals where the tiles or sheeting are removed intact or asbestos-containing mastic removed by chemical or other means that results in the asbestos fibers in the ACWM being bound within a macro substrate and cannot reasonably become airborne unless forces are applied when required by Subparagraph F.1.j.

## 5151.F.2. Notification

- F.2.e. for emergencies, provide notification by phone, fax, email, or voice mail to the Office of Environmental Services and DEQ regional office responsible for inspecting the project site as soon as possible, but in no case later than four hours after learning of the incident that required emergency response action, demolition or renovation operations:
  - (was one hour)

# 5151.F.3. Emission Control

- F.3. Procedures for Asbestos Emission Control.

Each owner or operator of a demolition, renovation, response action, or ACD activity to whom this Section applies, according to Paragraph F.1 of this Section, shall maintain the ADVF or a copy on-site, except for the provisions in Subparagraph F.1.1 of this Section and comply with the following procedures

F.1.1. An asbestos renovation or demolition project, or ACDA shall not begin until an asbestos notification of renovation and demolition form AAC-2 is received by the department, except in the case of an emergency.

# 5151.F.3. Emission Control

- F.3.h. Personnel and Accreditation
  - i. No demolition or renovation activity that disturbs RACM or ACDA shall be conducted at a facility regulated by this Subsection unless at least one asbestos abatement contractor/supervisor trained in accordance with Subsection P of this Section is physically present.
- (was “response action”)



# 5151.F.3. Emission Control

- F.3.h. Personnel and Accreditation
  - ii. All asbestos abatement workers who are performing demolition or renovation activity that disturbs RACM or ACDA shall be trained in accordance with Subsection P of this Section and supervised by a trained asbestos contractor/supervisor.

(was “response actions other than SSSD ” and clarified training requirements)

# 5151.F.3. Emission Control

- F.3.h. Personnel and Accreditation
  - ii. All asbestos abatement workers who are performing demolition or renovation activity that disturbs RACM or ACDA shall be trained in accordance with Subsection P of this Section and supervised by a trained asbestos contractor/supervisor.
  - iii. Contractor/supervisors and workers employed by a contractor licensed by the Louisiana State Licensing Board and performing demolition or renovation activity that disturbs RACM or ACDA shall be accredited in accordance with Subsection P of this Section.

(was “response actions other than SSSD ” and clarified training requirements)

## 5151.F.3. Emission Control

- F.3.j. If a facility or residential structure is demolished by intentional burning, including activities related to the training of fire personnel, testing firefighting materials, or equipment, all RACM including category I and category II nonfriable ACM shall be removed in accordance with this Section before burning.

# 5151.J.1. Waste Disposal....

- J.1. Discharge no visible emissions to the outside air during collection, processing (including incineration), packaging, or transporting or deposition of any asbestos-containing waste material generated by the source, and use one of the emission control and waste treatment methods specified in Subparagraphs J.1.a-d of this Section. The ACWM shall be maintained as intact as practicable. The ACWM shall not be needlessly fragmented or crushed.

# 5151.J.1. Waste Disposal....

- J.1.c. For facilities demolished where the **RACM is not removed prior to demolition** according to Clauses F.3.a.i, ii, iii, and iv of this Section or for facilities demolished according to Subparagraph F.1.c or d of this Section, **avoid crushing** the ACM and adequately wet asbestos-containing waste material at all times prior to, during, and after demolition and keep wet during handling, storage, and loading for transport to a disposal site. **The ACWM shall be maintained as intact as practicable. The ACWM shall not be needlessly fragmented or crushed.** Asbestos-containing waste materials covered by this Subparagraph **shall be sealed in leak-tight containers or leak-tight, clear transparent wrapping** then transported and disposed of at a solid waste Type I or Type II or hazardous waste landfill authorized to accept RACM.

# 5151.J.1. Waste Disposal....

- J.1.a.vi. store all wrapped and contained asbestos-containing waste material in a labeled, secured area away from the public, where it will not be subject to disturbance or tampering until it can be transported to a recognized asbestos landfill (RAL). Disposal of ACWM shall comply with any other applicable requirements, including but not limited to appropriate hazardous waste (LAC 33:V) and solid waste (LAC 33:Part VII) regulations. In particular:

# 5151.J.1. Waste Disposal....

- J.1.a.vi. (Cont.)
  - (a). RACM shall not be disposed in a Louisiana type III (construction and demolition) landfill or processed in a composting facility;
  - (b). Louisiana landfills accepting ACWM shall be properly permitted or authorized under appropriate regulations and recognized pursuant to this Section to accept the waste;
  - (c). disposal of ACWM in an out of state landfill shall be in an RAL, as defined in this section and authorized by that state's authority to accept ACWM.

# 5151.J.1. Waste Disposal....

- J.1.a.vi. (Cont.)

[NOTE: Although landfills are permitted to accept asbestos wastes, a landfill should be contacted prior to transport to the solid waste facility to verify that the ACWM will be accepted and whether the facility has other requirements prior to disposal at that location.]





# 5151.P. Training and Accreditation Requirements

This subsection was revised to update the citations related to Chapter 27 Appendix A and clarify that:

**CONTRACTED PERSONNEL MUST BE TRAINED AND ACCREDITED.**

# QUESTIONS?